

Rev 8-28-06

Regular Meeting
Frankfort Board of Commissioners

July 24, 2006
5:30 P.M. (EDT)

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Rev. Sandra Murphree, First United Methodist Church. The Pledge of Allegiance was led by John Hammond.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the reading of the minutes of the June 26, 2006 Regular Meeting; July 10 Work Session; and July 13, 2006 Work Session be dispensed with and the minutes be approved as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor's Report

Mayor May reported on the ceremony held recently on Ft. Hill regarding the reinterment of the bodies moved due to the construction of the Kentucky Transportation Cabinet building.

Ceremonial Items

The following employees were recognized for promotion and retirement:

Fire Department: John Unger, for promotion to Assistant Chief
Dan Shouse, for promotion to Public Information Officer/Battalion Chief
Greg Moore, for promotion to EMS Director/Captain
Douglas S. Taylor, for promotion to Captain
Sean Sullivan, for promotion to Lieutenant (Lt. Sullivan was not present)

Public Works: Robert Harlow, for retirement after 27 years, effective 7-31-06

The following employees were recognized for receiving awards:

Transit Division, Frankfort Transit Rodeo:
Merolyn Chipman, First Place
Linda Freshour, Second Place
Paul Clark, Third Place (Mr. Clark was absent)

Street Division, American Public Works Association State Snowplow Competition:
Keith Meriwether and Raymond Austin, First Place
Allen Burriss and Eddie Wiley, Second Place

Street Division, American Public Works Association State Backhoe Competition:
Eddie Wiley, Second Place

Sanitation Division, Kentucky Chapter of the North American Solid Waste Association
Competition: Daniel Kirk, Third Place

The Frankfort Woman's Club President Norma Wilson read and presented a Resolution in support of a smoking ban in Frankfort. Also speaking on this issue were Anna Grace Day and Dr. Pat Nichols, Co-Chairmen of the Community Improvement Program for Health Services for Franklin County.

"AN ORDINANCE AMENDING ORDINANCE NO. 26, 2005 SERIES AND FRANKFORT CODE OF ORDINANCES SECTION 111.38 TO ESTABLISH THE ANNUAL FEE TO BE PAID BY BUSINESSES PROPERLY ENGAGED IN THE SUNDAY SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES AND WINE BY THE DRINK BY CERTAIN HOTELS, MOTELS AND RESTAURANTS" was presented and read. This Ordinance had its first reading on June 26, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 14, 2006 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 1, SECTION 1.09 PROVISIONS FOR WAIVERS AND MODIFICATIONS AS WELL AS ARTICLE 4, SECTIONS 4.226; 4.236; AND 4.306 OF THE CITY OF FRANKFORT'S ZONING ORDINANCE. SPECIFICALLY, THE REQUEST IS TO AMEND THE MODIFICATION PROVISIONS OF THE SPECIFIC CRITERIA, STIPULATING THE APPLICANT'S RESPONSIBILITIES CONCERNING MODIFICATIONS, AND CHANGING THE REQUIREMENTS OF FRONTAGE ROADS WITHIN THE CG, CH, AND IC DISTRICTS" was presented and read. This Ordinance had its first reading on June 28, 2006. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 15, 2006 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 13, TABLE 13.3 STANDARDS FOR PERMITTED SIGNS OF THE CITY OF FRANKFORT'S ZONING ORDINANCE" was presented and read. This Ordinance had its first reading June 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 16, 2006 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 17, SECTION 17.10 DESIGN GUIDELINES FOR EXTERIOR REMODELING, SUBSECTION 17.10.9.A. - WALLS AND FENCES" was presented and read. Without objection, it was agreed to have a second reading on this Ordinance at a Special Called Meeting on August 14, 2006 at 5:20 p.m.

"AN ORDINANCE RELATED TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING THE SMOKING OF TOBACCO PRODUCTS IN BUILDINGS OPEN TO THE PUBLIC" was presented. This Ordinance had its first reading June 28, 2006. Mayor May recognized the following persons to speak on this Ordinance: Elizabeth Wood, Norman Snyder, Dr. Connie White, Rosie Miklavcic, and Glenna Hughes. Following citizen comments, the Ordinance was read by title and summary. It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter and Bryan, and Mayor May (3). Voting against the motion were Commissioners Bowers and Williams (2). The motion was thereupon adopted (Ordinance No. 17, 2006 Series).

"AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF FRANKFORT, KENTUCKY; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE" was presented and read.

"AN ORDER AUTHORIZING A MANAGEMENT AGREEMENT FOR JUNIPER HILL GOLF COURSE" was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 7, 2006 Series).

"RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY HOUSING CORPORATION FOR THE TEN YEAR PLAN TO END CHRONIC HOMELESSNESS, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS" was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting in favor of the motion were none (0). The motion was thereupon adopted (Resolution No. 10, 2006 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Authorized the purchase of a Windows-based finance and accounting software package; software to be purchased over a two-year period at a cost of \$27,800; installation cost of \$10,850 budgeted in Account No. 100.50.56551; remaining amounts to be budget in subsequent years;
- 6.2 Authorized a Bid Award for a two-year supply road salt to Cargill, Inc. at a price of \$48.36/ton; funds available in the Drugs and Lab Supplies Account No.100.62.54335;
- 6.3 Authorized entering into a Site Lease with Option with Alaska Native Broadband 1 License, LLC. and authorized the Mayor to sign all lease-related documents; Alaska Native will be entitled to install communications equipment at the Fire Station at 900 East Main Street; lease to be for a five-year term, with the right to extend the lease for 4 additional five-year terms; rent due under the lease is \$16,800 during the first term, with the amount increasing by ten percent (10%) for each term thereafter;
- 6.4 Authorized a Sanitary Sewer Extension Contract with the Commonwealth of Kentucky Finance and Administration Cabinet Department for Facilities and Support Services ("Developer"), Frankfort, Kentucky for the Jones building renovation at 120 Glenns Creek Road in Franklin County, Kentucky; developer to improve its private sanitary sewer extension consisting of 2 new manholes and 125 feet of 8-inch SDR 35 pipe to serve the Jones building; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed.
- 6.5 Authorized a Sanitary Sewer Extension Contract with Roman Catholic Diocese of Lexington, Kentucky, owner of Good Shepherd Church Parish Center Building at 1050 Leestown Road in Franklin County, Kentucky; property is properly zoned for commercial development, with improvements including 3 new manholes and 321 feet of 8-inch SDR 35 pipe; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction completion.
- 6.6 Authorized waiver Payment In Lieu of Taxes (PILOT) in the amount of \$18,220 for the Frankfort Housing Authority for the year 2005; PILOT in addition to \$20,000 2005 funding subsidy.
- 6.7 Authorized purchase of a 2007 Chevrolet Suburban 4-wheel drive vehicle for Emergency Preparedness Coordinator; purchase price of \$35,883 under State Price Contract #MA-758-C-05418628-9; funds available in DES Equipment Account No. 100.40.56550;
- 6.8 Personnel:
 - Promotion of John Noe from License Enforcement Officer to Code Enforcement Inspector, effective 7-25-06 (Planning);
 - Promotion of John Unger from Battalion Chief to Assistant Chief, effective 7-25-06 (Fire);
 - Promotion of Dan Shouse from Public Education/Information Officer – Captain to Public Education/Information Officer – Battalion Chief, effective 7-25-06 (Fire);
 - Promotion of Greg Moore from EMS Director to EMS Director/Captain, effective 7-25-06(Fire);

- Promotion of Douglas S. Taylor from Lieutenant to Captain, effective 7-25-06 (Fire);
- Promotion of Sean Sullivan from Sergeant to Lieutenant, effective 7-25-06 (Fire);
- Promotion of Brad Kays from Firefighter/EMT to Sergeant, effective 7-25-06 (Fire);
- Promotion of Louis McClain from Captain to Acting Battalion Chief, effective 7-25-06 (Fire); and
- Retirement of Robert Harlow, Tech III, effective 7-31-06, and authorize payment of all accrued time (Public Works).

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Board Appointments

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to reappoint Kathy Peale to the Board of Zoning Adjustments, for a term ending 7-1-10; and to reappoint Paul Looney to the Board of Zoning Adjustments, for a term ending 7-1-10. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to reappoint Dr. Bill Braden to the Frankfort/Franklin County Tourist and Convention Commission, for a term ending 6-30-09. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Following discussion, it was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Board not take action at work sessions unless there is an emergency. An emergency was defined as something that could not wait until a special called meeting. Following discussion, the question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers and Bryan, and Mayor May (4). Voting against the motion was Commissioner Williams (1). The motion was thereupon adopted.

At the request of Commissioner Bowers, Commissioner Carter reported for benefit of the public information that was discussed at the previous work session regarding Ethics Training for City Board and Committee members, and recognition of such members when their terms expire.

Citizen Comments

Ann Gibbs commented on the building standards for development reported in the July 11 State Journal regarding recently annexed property. City Manager Tony Massey responded to Ms. Gibbs' comments.

Commissioner Comments

Commissioner Carter complimented the Firefighters and Public Works employees recognized that evening; complimented Patrolman Paul Wise; commented on the safe return from Lebanon of Frankfort resident Ryan Burnette; commented on the recently published Lexington Herald-Leader article on bats; and remembered Dr. Henry Ellis Chaney, who had recently passed away.

Without objection, the board returned to Citizen Comments. Mike Greenwell spoke concerning continuing drainage and sewage problems on his property. Following discussion, City Manager Tony Massey agreed to meet with Mr. Greenwell and appropriate department heads following the meeting.

Commissioner Bowers requested information on flooding problems in the Crestwood area. Commissioner Bowers requested a report at the August 14 Work Session of issues concerning Crestwood and Brawner Street. She also commented on Dr. Henry Ellis Chaney and Phyllis Newnan.

At the request of Commissioner Williams, Jeff Hackbart reported on the history of flooding problems in Crestwood. Following discussion, Mr. Hackbart will provide a written report at the next work session.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the meeting adjourn. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted, and the meeting adjourned at 7:02 p.m.

Mayor

Attest:

City Clerk